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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,555	11/09/2001	Fernando Ortega Rodriguez	Q66984	5908

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/986,555	ORTEGA RODRIGUEZ ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/25/06 have been fully considered but they are not persuasive.

Page 5, 4th Paragraph:

The applicant responded to objection to the drawings by indicating that multiple K is shown in figure 2. The examiner has rechecked the figure, but still does not see the variable K.

Page 7, 2nd Paragraph:

The applicant argues that Schiff does not disclose a device able to perform multimedia communication. Schiff discloses a satellite capable to transmit digital information (column 3, lines 55-58) back to earth. It is common for multimedia data (images, audio, movies, etc.) to be stored and transmitted in a digital medium. Therefore, a device capable of transmitting digital information would be able to transmit multimedia data. The applicant continues to argue that the system disclosed by Schiff would not have the bandwidth required to transmit multimedia data. As this limitation is not found in the original claims, Schiff does not need to meet this limitation. The rejection stands.

Page 7, last paragraph to Page 8, first paragraph:

The applicant is arguing limitations not found in the original claims.

Page 8, 2nd paragraph:

The applicant argues that the examiner uses an equation from his specification to reject a claim. The examiner admits to using an equation from the applicant's specification, filled in with information from Schiff, to show that the limitation would be met by the system disclosed by Schiff. The equation used is commonly used to calculate that the rate of data transfer.

The applicant also argues that figure 5 does not support synchronization by citing the passage: column 5, lines 7-20. This passage does not say that figure 5 does not show a signal incapable of being used to synchronize a satellite signal. As stated in the paragraph: "transmission synchronization of the various earth stations cannot be derived by receiving the downlink transmission and comparing the position of each stations transmission to that of the earth stations transmitting before and after it, as is conventionally done with TDMA operation...Therefore, an unconventional technique for acquiring the satellite and remaining synchronized with the TDMA uplink transmission scheme must be utilized. Six paragraphs later (column 6, lines 37-41) figures 4 and 5 are referenced again in the section describing the alternative synchronization scheme. Therefore figure 5 can be referenced in a claim describing a synchronized signal. The rejection stands.

Page 8, last paragraph:

The applicant argues that the applicant's specification is used in the rejection of claim 4. Re-reading the rejection of claim 4 in the Office Action, it is not clear where the applicant's specification was used. The rejection stands.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "whole multiple" described in claims 1 and 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiff.

Referring to claim 1, Schiff discloses an integrated multispot satellite communication system in a multimedia broadcasting network a return channel (column 2, lines 56-59) comprising: common means of burst synchronization (column 7, lines 18-23) such that the transmission rate in a downlink direction from the satellite is a whole multiple of a clock reference of said network (column 4, lines 65-67; figure 5; Note: The I Frame shown in figure 5 is interpreted as being the period of the downlink transmission. With this information one can see that 3 sets of information are sent within the downlink period. As the applicant has noted the transfer rate is equal to the amount of data sent divided by the period ($N_d/T_{df} = R_{td}$). Therefore the rate would be equal, in this case, to 3 times the frequency (where frequency is equal to $1/T_{df}$)).

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Referring to claim 2, Schiff discloses a system according to claim 1, said system comprising a satellite configured to generate said network clock reference (column 5, lines 27-31).

Referring to claim 3, Schiff discloses a system according to claim 2, further comprising a multiplexer (figure 3).

Referring to claim 4, Schiff discloses a system according to claim 3, characterized in that said multiplexer is suitable for fitting in a synchronous manner different uplink channels into a downlink signal (column 4, lines 19-25), wherein a period of the downlink frame (column 3, lines 55-58; Note: frame and period are viewed as being interchangeable) is equal to a period of the uplink frame (column 3, lines 1-5).

Referring to claim 5, Schiff discloses a method of burst synchronization in an integrated multispot satellite communication system in a multimedia broadcasting network with return channel (column 2, lines 56-59) wherein said synchronization (column 7, lines 18-23) is common for a multimedia services provider and a user, in such a manner that the transmission rate in a downlink direction is a whole multiple of a network clock reference (column 4, lines 65-67; figure 5).

Referring to claim 6, Schiff discloses a method according to claim 5, comprising: generating said network clock reference in a satellite of said system (column 5, lines 27-31).

Claims 7 and 8 are rejected on the same grounds as claim 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of Hreha.

Referring to claim 9, Schiff does not disclose a system of claim 1, wherein said system is configured to communicate in accordance with digital video broadcasting return channel system.

Hreha discloses a system of claim 1, wherein said system is configured to communicate in accordance with digital video broadcasting return channel system (column 3, lines 34-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the DVB-RC standard taught by Hreha in the system disclosed by Schiff.

The motivation would have been to use a public signaling standard (column 3, lines 34-42).

Claim 10 is rejected on the same grounds as claim 9.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of Setoyama.

Referring to claim 11, Schiff does not disclose a system of claim 1, wherein said downlink direction transmission rate is one of 54 Mbit/s, 81 Mbit/s and 108 Mbit/s.

Setoyama discloses a system of claim 1, wherein said downlink direction transmission rate is one of 54 Mbit/s (column 1, lines 39-41 and 46-51), 81 Mbit/s and 108 Mbit/s.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the 54 Mbit/s transmission rate taught by Setoyama in the system disclosed by Schiff. The motivation would have been to fit more data into the stream.

Claim 12 is rejected on the same grounds as claim 11.

Referring to claim 13, Schiff does not disclose a system of claim 1, wherein a bandwidth of a transmitter onboard said satellite is a multiple of 27 MHz.

Setoyama discloses a system of claim 1, wherein a bandwidth of a transmitter onboard said satellite is a multiple of 27 MHz (column 1, lines 39-41 and 46-51).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the 27 MHz bandwidth taught by Setoyama in the system disclosed by Schiff. The motivation would have been to fit more data into the stream.

Claim 14 is rejected on the same grounds as claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



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